

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD GREAR,

Plaintiff,

Case No. 1:07-CV-203

v.

Hon. Robert J. Jonker

RAYMOND GELABERT, M.D., et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Magistrate Judge's Report and Recommendation (docket # 50) recommending the grant of the Motion of two Defendants (Raymond Gelabert, M.D., and Margaret Ouellette, P.A.) for Summary Judgment. No party has filed objections to the Report and Recommendation.¹ The absence of objections waives all potential objections to the Report and Recommendation and warrants this Court's adoption of the Report and Recommendation without further analysis. In addition, in this case the Court has reviewed the Report and Recommendation of the Magistrate Judge and finds it to be legally correct and factually sound based on the summary

¹Plaintiff did file a motion seeking extension of the 11-day period the Magistrate Judge gave for objections to the Report and Recommendation (docket ## 51-52). The Magistrate Judge denied the request (docket # 54). The Court notes that based on the facts recited in the Plaintiff's motion, Plaintiff had a full week within which to prepare and serve objections. The Report and Recommendation was served by mail on February 17, and Plaintiff had 11 days from the date of service to lodge objections, plus an additional 3 days because the service was by mail, FED. R. CIV. P. 6(d), for a total of 14 days. This made the due date for objections March 3, 2009. Plaintiff acknowledges receipt of the Report and Recommendation on February 24, 2009. Based on the extensive briefing in the case that preceded the Report and Recommendation, and the time that Plaintiff had to prepare and serve objections, the Magistrate Judge did not abuse his discretion in denying the Plaintiff additional time to prepare and file objections.

judgment record. On the summary judgment record, the Court does not believe that any reasonable fact finder could conclude that the moving Defendants were deliberately indifferent to a serious medical need of the Plaintiff within the meaning of the Eighth Amendment.

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (docket # 50) is approved and adopted as the Opinion of the Court. **IT IS FURTHER ORDERED** that the motion of Defendants Gelabert and Ouellette for summary judgment (docket # 34) is **GRANTED**.

Dated: March 9, 2009

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE